

**CITY OF COLUMBIA FALLS
CITY COUNCIL REGULAR MEETING MINUTES
HELD AUGUST 05, 2024**

Mayor Barnhart called the meeting to order at 7:00 p.m.

ROLL CALL: Councilor King, Councilor Lovering, Councilor Piper, Councilor Price, Councilor Robinson and Mayor Barnhart. Absent: Councilor Shepard.

Also present: Acting City Manager Peters, City Clerk Staaland, City Attorney Breck, Fire Chief Weeks and Sergeant Rice.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA: Councilor Robinson made motion to approve the agenda, seconded by Councilor Lovering and the motion carried.

CONSENT AGENDA: Councilor Piper motioned to approve the consent agenda noting all claims appeared to be in order, seconded by Councilor Lovering with council voting as follows. Ayes: Robinson, King, Lovering, Piper, Price and Barnhart.

Approval of August 5th Claims- \$156,108.05

Payroll Claims for July 19, 2024

Payroll Claims for August 2, 2024

Approval of July 15 Regular City Council Meeting Minutes

July 23, 2024, Special Council Meeting Minutes

APPOINTMENTS:

Approval of appointment - Probationary Volunteer Firefighter Jeremiah Jost

Fire Chief Weeks said Mr. Jost was a member of his local volunteer fire department in Canada and has since moved to Columbia Falls. Mr. Jost has attended several trainings as an observer and is believed to be a great addition to the department. Fire Chief Weeks and City Manager Peters recommend approval of Mr. Jost as Probationary Volunteer Firefighter.

Councilor King motioned to appoint Jeremiah Jost as Probationary Volunteer Firefighter, seconded by Councilor Piper and the motion passed unanimously.

City Clerk Staaland administered Oath of Office to Mr. Jost.

Oath of Office - Probationary Police Officer Hilary Naleway

City Clerk Staaland administered Oath of Office to Ms. Naleway.

Appointment of Sergeant Brandon Rice as Acting Chief of Police

Councilor Lovering made motion to appoint Sergeant Rice to Acting Chief of Police, seconded by Councilor Piper and the motion carried unanimously.

VISITORS/PUBLIC COMMENT (Items not on agenda)

Casey and Kristi Masters said they are in attendance to speak about getting an apron to their parking area at their business on 1st Ave W. Mr. Masters said before the new sidewalks went in there was an apron in place

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but now there is not, and they would like to have it reinstated. City Manager Peters said it's a matter of figuring out what the cost would be to cut in an apron at this point. In looking at where the apron was, legally we could not put it back in place due to it being too close to the existing building said Peters. It would have to be moved down approximately ten feet, which will take away a portion of on-street parking. Kristi Masters said without access they lose parking in the parking lot. Ms. Master is concerned about coming in the parking lot from the alley especially in the winter months with snow removal, as well as being assessable to the handicap ramp. Peters said he would converse with the engineer of the project.

Steve Osborne, 134 1st Ave E. expressed his concerns with the new infrastructure pertaining to the new sidewalks. The last rainstorm flooded his yard, flower beds, garden and rock wall. This will cause him to have added expenses to repair damaged landscaping. Mr. Osborne would like to have his drywell system to be for his use. The new drywell that was installed is close to his house and he fears water may get into his basement.

Mayor Barnhart said he was aware of concerns that came with the sidewalk project, but the engineers assured us that what was installed would work. Councilor Piper said he has pictures of the water that was in the Osbornes yard and it's clear the drywell does not drain properly. City Manager Peters said staff has been over to the property and there were still some felt covers over the grates, which assisted in the drainage issue. It is definitely on the radar, and we are researching what can be done, said Peters.

Mayre Flowers with Citizens for a Better Flathead and Coalition for a Clean CFAC said they recently sent a letter to EPA and are having difficulty on who to contact at the city to send emails to. The city website does not allow for attachments and some email that were sent did not go through. She would like to send emails to council members individually and would like to meet with Mayor Barnhart to discuss unnecessary misunderstandings. Acting City Manager Peters said all public correspondence still goes through the City Clerk Staaland as listed on the city website. City Attorney Breck said the public meeting rules don't allow council members to meet with individuals to discuss council or city business. They are required to address any city issues or comments in a public meeting. Ms. Flowers asked if the council could not sit down with CFAC officials for a discussion. City Attorney Breck said mayor and council can be a part of a committee on which government officials sit and talk about those items. It is completely different than meeting with individuals discussing city business. Mayor Barnhart requested City Attorney Breck provide Ms. Flowers with MCA code on specific item. Mayor Barnhart said staff did receive approximately 75 emails from citizens in the last couple days and didn't seem to have a problem.

Matt Hutchinson, 227 7th St. E. during the summer months the traffic increases around town and with that comes additional traffic violations. Mr. Hutchinson asked if council would entertain an old police car parked in town like Lakeside had. Acting Police Chief Rice said he will look into the legalities of Mr. Hutchinson's request. Mayor Barnhart said the city has requested with MDT to get the speed limit signs reduced.

NOTICE OF PUBLIC HEARINGS/PUBLIC HEARINGS:

Notice of Public Hearings - Planning Commission/Council - CUP Coffee Drive Thru

The Columbia Falls Planning Commission will hold a public hearing for the following item at their regular meeting on Thursday, August 8, 2024, at 6:00 p.m. at the Council Chambers of City Hall, 130 6th Street West, Columbia Falls, Montana. The Columbia Falls City Council will hold a subsequent hearing on **Monday, August 19, 2024**, starting at 7:00 p.m. in the same location.

Request to establish a Conditional Use Permit in the Columbia Falls Zoning Jurisdiction:

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Jaqueline Smith and Carl Morsette are requesting a Conditional Use Permit (CUP) to operate a drive-thru coffee stand at 262 1st Ave WN (Location of Glacier Grappling). The property is zoned CB-2 Commercial however all drive-thru's require a conditional use permit in this zone. The coffee stand was moved to the site but not opened while the applicants go through the CUP process. The property is described as Lots 2, 3, & 4; Block 129; Columbia Falls Addition; Section 8, Township 30 North, Range 20 West, P.M.M., Flathead County.

Continuation of Preliminary Budget Hearings 2025 Fiscal Year

Review of 2025 fiscal year debt service expenditures.

City Manager Peters discussed the 24-25 FY Total Debt Service. The WWTP project was approved for \$750,000., a state revolving loan fund. Loan A - \$367,500 would be forgiven by the State, Loan B - \$387,500- is at 2.5%. The City does not anticipate drawing any funds until the last quarter of 2025 based on WWTP phase 2 project schedule and therefore has not included debt payment in the 24-25 FY preliminary budget.

The City has 3 types of debt as noted above. SID (Special Improvement Debt) is paid for the specific properties within the SID and through a very lengthy legal process. The SID's included water and sewer main extensions, service lines and street upgrade.

Revenue bonds in the enterprise fund are subject to reserves and debt capacity. The City Council has approved a rate study for both Water and Sewer Enterprise Funds. The rates were last increased with the adoption of the 2018 Preliminary Engineering Reports that included the Well Project completed in 2020 and the WWTP Improvements currently underway.

Also as noted, SID 34, SID 36 and Water 2005 Revenue bonds are all paid off in the 2024-25 FY.

NEW BUSINESS:

Request for approval of Interim City Manager Employment Agreement

City Manager Peters said as the Acting City Manager he would like to request an agreement with Council to maintain his current salary, insurance benefits and 9.07% contribution to a retirement account through his separation date of September 2, 2024. The salary and city contribution to a deferred compensation account would not be an increase in pay or benefits as it is consistent with his current compensation.

Councilor Piper motioned to approve the Interim City Manager Employment Agreement, seconded by Councilor King and the motion carried unanimously.

Authorize Mayor Barnhart signing a letter to EPA re: Record of Decision on behalf of City Council

Mayor Barnhart said the letter was posted on the agenda on the city website. Mayor Barnhart read the letter for visitors in attendance. Mayor Barnhart added the City Clerk has presented council with 75 emailed letters that were received after the agenda was posted.

Shirley Folkwein, 285 Shooting Star Dr. with the Coalition for a Clean CFAC, said based on your letter to the EPA, we all want to see the CFAC site cleaned up. Ms. Folkwein said the EPA has provided the Coalition and the community with a technical consultant through the TASC program. This program is encouraging us to take a deep dive and look for critical gaps in information within the technical documents that were compiled in support of the proposed cleanup plan. They will be providing a vital community learning process and additional dialogue so the community will feel heard prior to the ROD being issued.

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The Coalition for a Clean CFAC urges council to vote against the letter to the EPA this evening. They would like to engage with council to move toward a decision that will affect health and the environment for years to come said Folkwein.

Peter Metcalf, 234 1st Ave E., Board Member for the Coalition for a Clean CFAC, said he concurs with Ms. Folkwein. Tonight's decision is easy, council either endorses the letter to be sent to the EPA or they can stand with the community and give them a few more months to do more work. Mr. Metcalf believes moving forward with the ROD only serves in the interest of Glencore. It is important to understand that once the ROD is in place it is difficult to change, said Metcalf. We need more time; this is not a short-term thing; it will continue afterwards. Mr. Metcalf asked council to stand with the community and give them a few more months for a better outcome.

Glen Wehe, 267 Rogers Road said in the letter it states the City's concern has always been that of providing safe, clean drinking water to our community. Has anyone considered the possibility that the cleanup the EPA is proposing could make a difference to existing wells and water supply? Mr. Wehe would like to speak against the letter and urge council to take a pause.

Mayre Flowers with Citizens for a Better Flathead and Coalition for a Clean CFAC said she concurs with prior speakers this evening. Ms. Flowers would like council to postpone sending the letter to the EPA and support the Coalition in moving forward. This is an opportunity to build community engagement, which is important to the community. Now that people are engaged, give us more time before you send this letter, said Ms. Flowers. It may enhance and streamline the process moving forward.

Shayna Kyle, 640 Martini Lane, agrees with the previous speakers.

Darin Fisher, 303 3rd Ave E., thanked Mayor and Council for being at the forefront since 2015; there have been several meetings over the years. Fisher said he finds it frustrating that there were so many meetings that included a cleanup plan in 2023, three months of public comments, a paid advisor interrupting the comments and multiple meetings that were not well attended. In 2024 the Coalition for a Clean CFAC implied council hasn't paid attention in the past and wants us to step up and pay attention, when council has been involved from the beginning. Fisher said he has been to multiple meetings and supports the letter in moving forward.

Dee Fleming, 24 Diane Rd. said she feels they need more time to study the superfund site. There are several chemicals, and some have not been tested and monitored. We need to plan for the whole region and asked for more time before sending the letter to the EPA.

Ms. Flowers handed City Clerk Staaland 7 additional public comment letters.

Councilor King motioned to authorize Mayor Barnhart signing letter to EPA re: Record of Decision on behalf of City Council, seconded by Councilor Robinson.

Councilor Lovering said she feels comfortable sending the letter, since she has been involved from 2014 forward. The community and the Coalition may have more power than council does. Lovering does not believe the letter will make a difference but supports the process of moving forward. The county commissioners

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haven't listened to council yet, and we are not sure they will. With that said she is comfortable with the years she has put in and would like to see the ROD.

Councilor Price said if the council doesn't matter why send the letter, why not keep our original stance. If we as a council feel the need to send the letter, we need to remember we are the voice of the people, and this letter needs to reflect that. Price said she is not in favor of sending the letter.

Councilor Robinson asked Ms. Folkwein how many more months they needed. Ms. Folkwein said when we met with the legislative Environmental Quality Council, they submitted a letter to the EPA requesting delay in the decision making until March of 2025. Folkwein said they are not saying to hold off for another 2 years they are working with the technical assistant and scheduling a public meeting on August 20th, September and another in October. Robinson believes the letter is not going to make a difference as the commissioner's haven't played a part so far. She is concerned with citizens being involved and how they feel and would entertain postponing the letter until after the 1st of the year.

Councilor King said she was dismayed by some of the emails. King would like to move forward with the letter and get the ROD. This didn't just start; it has been going on since 2015 said King.

Council Piper said council has been discussing this for 9 years and it's time to move forward with the letter and get the ROD.

Mayor Barnhart said it sounds like the Coalition has it all handled, and it doesn't make a difference what council does. How much power does City Council have, the site isn't even in our jurisdiction. Yet it took council to bring it to the forefront to get the process started; now the Coalition wants us to slow down. The information has been out there for years, the Coalition has the professional help they need, getting additional money from EPA to pay people to go over the same thing that has already looked at. There is a definite road to get the superfund site moving forward, they showed us the steps, and this was the EPA rules said Barnhart. Mayor Barnhart said he wanted it hauled away until he received more information. We made a decision and want it cleaned up; we have put this off long enough, it's time to move forward. Mayor said he appreciates the Coalition for the work they have done and encourages them to continue.

Council voting is as follows. Ayes: King, Lovering, Piper, Robinson and Barnhart. Nays: Price.

Authorize Mayor to Sign Matching Funds Commitment Letter - MCR Grant (Housing Study)

City Manager Peters said we have to do our housing study and have projected a \$15,000 match from the city, which came in higher than projected. This letter represents the City's firm commitment to providing the matching funds for the Housing Study in the amount of \$27,100.

Councilor Robinson made motion to approve the matching funds commitment letter for the Housing Study, seconded by Councilor King and the motion carried.

After reviewing the project scope city administration determined that it was prudent to have engineering oversight of the project to ensure construction was completed as designed and to specs.

City Manager Peters said in reviewing the project we thought it would be in the best interest of the city to have experts on site to ensure it is built as specified by standards.

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Councilor Lovering moved to authorize the City to sign the agreement with WGM Group for engineering services, seconded by Councilor Piper and the motion carried unanimously.

Review and request for approval of City Attorney Contract Amendment

City Attorney Breck said they would like a modification to the current City Attorney contract. Since the signing of the Contract in December 2023, there has been confusion related to the language regarding additional compensation. The current language gives two hourly rates of \$205.00 and \$250. for differing types of work, but neither reflects what we believe we agreed to, which was to be compensated at the same rate as defense counsel for MMIA, at an hourly rate of \$225. By eliminating the two amounts and agreeing on the single MMIA rate of \$225. per hour for addition duties will eliminate confusion. Mayor Barnhart asked when MMIA last increased their rates. Breck believes 4 or 5 years ago. Mayor said the last contract was in December 2023 and now we want to match MMIA. Mayor said most of the work done is under contract, and asked how often the city needs to pay above the existing contract. Breck said it's a matter of what Stephanie has worked on with personnel. Mayor asked if the rest of the contract will stay in place. City Attorney Breck said that is correct.

Councilor Lovering motioned to approve the City Attorney Contract Amendment, seconded by Councilor Robinson and the motion carried.

REPORTS / BUSINESS FROM MAYOR & COUNCIL

Councilor Piper inquired about the yellow paint on the curbs by Posh Nails. City Manager Peters said the paint sprayer is now operational, and staff will get it scheduled along with the crosswalks before school starts. Piper asked if there was any movement with DOT on turning lights. Peters said there has been no word, but we are on their radar. Piper said he likes the idea of an old police car in town. Acting Police Chief Rice said on special events we have additional patrol on each shift. Piper said 2nd Street E. was a mess after the rainstorm and the drywells need to be addressed. Piper thanked Peters for stepping in as Acting City Manager.

Councilor King inquired about knap weed in town. Peters said weed letters have been sent out and the county has been helping with spraying. King said she will be absent from the 9/02/24 council meeting.

Councilor Price inquired about the new location of the Community Market. Acting Police Chief Rice said there are some parking issues on 11th Street and on Veterans Drive but no other issues have come up. Price asked Rice if he believes it's a better location this year versus last year. Rice said it is a better location, with additional parking and a crosswalk to get across the highway. The person that was in the incident was not at a crosswalk and they were on the side street.

Councilor Lovering said since the recent paving in front of her house the rainwater is running into her yard. The project seemed to be rushed and no consideration of where the water would be going. We need to be careful of how we engineer water drainage said Lovering. Lovering said the post office property looks terrible, from landscaping to the pot holes in the parking lot. Lovering understands understaffing and they may not have available funds for upkeep. Can the city reach out to the owner of the property and ask them to address it? Mayor concurred with Lovering on contacting the property owner.

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Mayor Barnhart said Councilor Shepard has mentioned water not draining properly in his neighborhood. The city has done some work and more may be needed.

Mayor Barnhart asked how they city is doing on hiring a Public Works Director. Acting City Manager Peters said we are still in the process.

Mayor Barnhart inquired where the city is on the contract with the potential City Manager. City Attorney Breck said Deputy Attorney Breck is reviewing the contract with Mr. Billingsley. Mayor Barnhart said we need to get it on the agenda and will need it in advance.

CITY MANAGER REPORT

City Manager Peters said staff has looked at several areas around town with the drainage issues. These are long-term projects, and the city will need to find a starting point.

Peters said he was finally able to get in touch with Kenny from Fish Wildlife and Parks and Kenny said they stocked the pond in late June. He asked us to let him know if we receive reports of no fish.

The graffiti from city property has been removed. The county has been notified of the graffiti on the Red Bridge and they will address it.

The preconstruction meeting on the WWTP looks like a good group out of Washington.

Heritage days was a big success with no issues or concerns from the Police Department.

The hiring process for the new Chief of Police is in the works, staff has narrowed it down to seven candidates. We are hoping to start interviews around the 21st of August. The Public safety committee can participate on the interview panel if they wish.

The owner of the old Bothe and Lauridsen building has asked if the city will maintain the monument area and help with watering expenses and lawn care. Peters said the city can help with that under beatification of city owned property. The city will maintain the lawn and pay 80% of water usage during the summer months. Staff has looked at 5th Ave. W. between 13th St. and 10th which is closed temporarily because it is deteriorating, and the estimates came back well above what the city estimated. Peters said we may have to put the project on hold at this time. The city has had some phone calls on a shared sidewalk on 4th St. and 2nd Ave W. the city is interested but will evaluate water drainage.

City Clerk Staaland is looking into new microphones for the council chambers to ensure better reception during zoom meetings.

The stop signs are going up at the school zone and the majority will be up before school starts.

MISCELLANEOUS

Fire Chief Weeks said the Fire Department has been busy this month. The ISO results should be here within the next couple of months. Councilor Price asked if we are still in stage 1 fire restrictions. Chief Weeks replied yes, the county is. Councilor King congratulated the Fire Department on another successful pancake breakfast. Councilor Lovering said community members have commented on the quick response time to the fire at the High School. Chief Weeks stated we have a great group of volunteers and paid staff at this time.

Acting Police Chief Rice said the Police Department is keeping very busy as well and doing a great job.

ADJOURN: Councilor Lovering motioned to adjourn at 8:53 p.m., seconded by Councilor Piper and the meeting adjourned.

Mayor

City Clerk